

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE	
Ministry: Health Date: July 16, 2012; update August 31, 2012 Minister Responsible: Margaret MacDiarmid	Internal investigation - MoH

ADVICE AND RECOMMENDED RESPONSE:

Key Messages:

- The ministry acted immediately to investigate and respond to this matter. We take allegations of this nature very seriously.
- British Columbia has strong regulations and rules in place. When individuals work together to side-step these processes, it is more than disappointing – it will not be tolerated.
- We asked the RCMP to investigate after we found evidence of inappropriate conduct, contracting and data-management practices in the pharmaceutical services division.
- I am personally disappointed something like this could happen. I have been assured, however, that the ministry has acted with integrity to quickly and thoroughly respond to this matter.
- We must ensure confidence in the public service is maintained - and that all civil servants execute their duties in a manner that meets the high standards of conduct expected of them.

Secondary Messages (If Asked)

- Government is currently reviewing a complaint in respect to ^{s.22} within the Ministry of Health.
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- We take all complaints seriously.
- While it would not be appropriate to divulge specific details about the ongoing review at this time, the Ministry can confirm at this time that the following interim actions have been taken:
 - ^{s.22}
 - Their access to Ministry-held data and government assets have been suspended;
 - All ministry work within contracts related to this matter have been suspended;
 - In addition – and out of an abundance of caution – any spending authority by this division will require ADM approval until our review is complete.
- The Ministry has also contacted and is working closely with the Public Service Agency; the Office of the Comptroller General; and the Office of the Information

and Privacy Commissioner.

- The Ministry has also contacted the RCMP about this matter.
- We are committed to being as open and transparent, as possible.
- Our goal is to ensure the review is concluded as quickly as possible, while also ensuring it is thorough, decisive and follows the appropriate process.
- We will take whatever further actions are necessary based on the findings of this review.
- We understand the public must have confidence in all public servants to execute their duties in an ethical manner that meets the high standards of conduct expected of all members of the public service.

BACKGROUND REGARDING THE ISSUE:

- The Office of the Auditor General contacted the Ministry of Health on March 28 2012 to advise someone had made an allegation about contracting irregularities and research grant practices in the research and evidence development program area of the pharmaceutical services division (PSD.)
- The allegations also included inappropriate data access, intellectual property infringement and possible violations of the public service standards of conduct.
- The ministry's financial and corporate services division interviewed staff and looked at the contracts involved in the complaint.
- As a result of the initial review, the Ministry decided a more formal review was warranted. In May 2012, the Ministry launched a formal review. A lead investigator from the Office of the Chief Information Officer, Ministry of Labour and Citizen Services and Open Government.
- The review included, but was not limited to:
 - Contracts and grants;
 - Academic publications;
 - Electronic communication between specific staff;
 - Expense reports, cell phone bill, and use of government assets;
 - Relationships with University of Victoria and the University of British Columbia

DISCUSSION/ADVICE:

- A first interim draft of the internal review report is now complete; however, the review is continuing.

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- The ministry has also taken these actions:
 - On June 7 2012, data access was suspended for s.22 and s.22
 - s.22 On Aug. 1, data access was suspended for s.2 additional 2

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- Signing authority for invoices, expenses or contract approval was suspended for these people on June 7, as well.
- The ministry has met with the Office of the Comptroller General to advise it of findings.
- The ministry has informed the Office of the Information and Privacy Commissioner.
- Senior Ministry and Labour and Citizen's Services staff have met with UVic and UBC about the contracts in question.
- The ministry has suspended data access for all people involved in the PSD contracts under review, in government and at UVic and UBC.
- The ministry has engaged Deloitte and Touche to review and enhance the ministry's data security measures and to help the ministry get its drug research program started up again in the most secure way possible.

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Minister's Office	Program Area	Deputy	Media Manager
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30-DAY ISSUES		
ISSUE	KEY FACTS/IMPLICATIONS	REQUIRED ACTION/DECISION
EVENTS AND REPORTS		
Launch of ParticipACTION/Healthy Families BC co-branded "Bring Back Play" Campaign October 9	<ul style="list-style-type: none"> ParticipACTION will be launching their new National Social Marketing Campaign at an event in Vancouver. From the launch day TV ads and print and digital marketing material will appear throughout BC under the co-branding of Healthy Families BC and ParticipACTION. The marketing is focused towards mums to encourage them to incorporate play as a key form of physical activity for their children. 	<ul style="list-style-type: none"> Announcement planned for early October (possibly October 9, 2012).
MoH Internal Investigation	<ul style="list-style-type: none"> Investigation launched in response to allegations of inappropriate or irregular data access arrangements and contracting practices, as well as Standards of Conduct Policy conflicts of interest involving MoH staff and contractors. 	<ul style="list-style-type: none"> Minister to be briefed ASAP / GCPE preparing communications materials.
Provincial Territorial (PT), and Federal, Provincial, Territorial (FPT) Health Ministers' Meeting – Halifax, NS, September 27 & 28, 2012	<ul style="list-style-type: none"> Annual meeting of Health Ministers. The PT meeting will primarily focus on the follow up work required from the Council of the Federation Meeting in July 2012 and the work of the Health Care Innovation Working Group (HCIWG) on Clinical Practice Guidelines, Health Human Resources, Scope of Practice. The FPT meeting will discuss the federal and provincial roles, and potential areas for collaboration. As PTs feel they have been fairly successful on their work through the HCIWG, some are not keen on collaborating with the federal government except in areas where the federal government has clear jurisdiction (e.g., regulation of drugs). The agenda includes a discussion on progress on promoting Healthy Weights in children. 	<ul style="list-style-type: none"> Decision regarding Minister's attendance required ASAP. MoH's IGR branch will prepare briefing materials for the Minister and, assuming Minister will attend, provide a briefing the week of September 17.
BUDGET		
BC Health Services Purchasing Organization (HSPO) release of Annual Report for 2011/12	<ul style="list-style-type: none"> HSPO preparing 2011/12 annual report on patient focused funding implementation. HSPO is expecting to make the annual report available to the Ministry by September 2012. 	<ul style="list-style-type: none"> Review by Ministry Approval from Minister GCPE communications approval and decision on timing of release.

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Release of Health Authority Service Plans for 2012/13 – 2014/15	<ul style="list-style-type: none"> Health Authority Service Plans are due to be published in early September. In the past there has been media interest in the plans – primarily in the out years of the budget section (showing the rate of budget growth), performance measures and sometimes the strategies. Media coverage has been both positive and negative. 	<ul style="list-style-type: none"> The Minister and potentially Premier will need to be prepared to answer questions about the plans. Issues note is being prepared prior to the plans' release (early September).
CAPITAL		
Lakes District Hospital (Burns Lake) – replacement hospital – Release of Request for Proposal (RFP) to shortlisted design/build proponents	<ul style="list-style-type: none"> Release of RFP to short listed companies to bid on the design/build contract for the new hospital. Shortlisted firms will receive request for proposal document on which to develop their individual project bids. Release RFP – September 2012. Construction of new hospital to begin in Spring 2013. 	<ul style="list-style-type: none"> Announcement
Queen Charlotte/Haida Gwaii Hospital – replacement hospital – tender site preparation work	<ul style="list-style-type: none"> Tender contract for work to prepare the site for the new hospital (work entails construction of new foundations, relocation of existing building, etc.). Construction of new hospital to begin in 2013. 	<ul style="list-style-type: none"> Announcement of Tender
LABOUR		
Anaesthetists and other - Physician Specialties	<ul style="list-style-type: none"> s.13 Coordinated approach and messaging will continue between MoH and HAs. Specialist Recruitment and Retention Fund adjudication under renewed PMA to consider which specialties receive part of \$20M. s.13 	<ul style="list-style-type: none"> Minister may need to respond.
BC Government and Employees Union (BCGEU) and Professional Employees Association (PEA) strike continues	<ul style="list-style-type: none"> Experiencing rotating job action throughout the province. Province-wide (all site) job action on September 5, 2012. MoH Strike Contingency Plan in place and key staff continue to monitor/report out on situation. 	N/A

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Co-located worksites during the British Columbia Government and Service Employees' Union (BCGEU) strike	<ul style="list-style-type: none"> BCGEU will stage a one day full-scale strike on Wednesday, September 5th. PEA and COPE are participating in this action. Health employers distributed a letter to their employees indicating their obligation to work as usual. The Labour Relations Board has been alerted to the possibility that orders or other assistance may be required on extremely short notice should disruption of health care services occur. 	N/A
Community Bargaining Association (CBA) is proceeding with a strike vote	<ul style="list-style-type: none"> The current agreement expired March 31, 2012. Negotiations with CBA broke off on August 24, 2012. Essential service orders must be in place across the health sector before any union is able to take job action. The Labour Relations Board anticipates being able to begin issuing essential service orders during the week of September 4, 2012. Although this may be optimistic. 	<ul style="list-style-type: none"> Communications issue – potential for Minister to comment when strike vote results are released (anticipated at end of September).
Health Science Association (HSA) regional meetings	<ul style="list-style-type: none"> HSA's annual fall regional meetings have been scheduled starting September 24 through to October 25, 2012. 	<ul style="list-style-type: none"> Communications Issue
Negotiations with the Professional Association of Residents of British Columbia (PARBC)	<ul style="list-style-type: none"> Current agreement expired March 31, 2010. Although PARBC has taken a strike vote, it has not announced the results. Given the passage of time, the strike vote will need to be retaken, before any action. Residents' services are now included in essential services planning; s.13 After the employer presented a proposal for a four year collective agreement in June, the Professional Association of Residents of British Columbia informed the employers that it would not be providing a counter offer to the proposal. All essential service orders must be issued before any union can engage in strike action. Essential service negotiations are expected to resume during the week of September 4, 2012; mediations may begin the following week. 	<ul style="list-style-type: none"> Communications Issue

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Negotiations with Nurses Bargaining Association (NBA)	<ul style="list-style-type: none"> Negotiations will continue until September 5, 2012. NBA Executive Council meeting scheduled for September 5, 2012. Council will make a decision on whether to proceed on a strike vote or not. 	<ul style="list-style-type: none"> Create Communications information note for the Minister, if Council decides to proceed with strike vote.
Negotiations with Facilities Bargaining Association (FBA)	<ul style="list-style-type: none"> FBA bargaining is scheduled to resume from September 6-15, 2012. 	<ul style="list-style-type: none"> Communications Issue
Negotiations with Health Science Professionals Bargaining Association (HSPBA)	<ul style="list-style-type: none"> HSPBA bargaining is scheduled to resume from September 11-14, 2012. 	<ul style="list-style-type: none"> Communications Issue
Potential renewed provincial agreement with the British Columbia Dental Association	<ul style="list-style-type: none"> The parties reached an agreement in principle on July 24, 2012 for a two year Master Agreement and Payment Schedule. Details are being determined through drafting. Request for approval to sign off on negotiated agreement is anticipated at the end of September. 	<ul style="list-style-type: none"> Communications Issue – potential for Minister to comment at the end of September.
Renewed Physician Master Agreement (PMA)	<ul style="list-style-type: none"> Negotiation completed with BCMA on the renewed PMA in May 2012. Agreement ratified by the BCMA with 92.4% support on July 24, 2012. Agreement signed July 25, 2012. MoH has developed PMA Implementation Plan. 	<ul style="list-style-type: none"> MSHHR is working with BCMA and ministry/ health authority staff to implement the required changes from the 2012 PMA.
Results of the Licensed Practical Nurse (LPN) representation vote are expected	<ul style="list-style-type: none"> British Columbia Nurses Union has applied to represent (raid) LPNs in the Facilities Bargaining Association (FBA) who are currently members of HEU/BCGEU. LPNs have voted on which union they wish to represent. The Labour Relations Board will determine any objections and announce the outcome of the vote. The Ministry, Health Employers Association of BC and health employers are neutral. The vote outcome will impact bargaining at the FBA and Nurses Bargaining Association. 	<ul style="list-style-type: none"> s.13
LEGISLATION		

s.12

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s.12

Implementation of ban for youth under 18 from using commercial UV tanning	<ul style="list-style-type: none"> Regulation will ban youth under 18 from using commercial UV tanning. Implementation plan in place 	<ul style="list-style-type: none"> OIC scheduled for September 24 Cabinet meeting. Communications material to be prepared and signs distributed.
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PROGRAM ISSUE OR CHANGE		
Age Friendly Grants	<ul style="list-style-type: none"> • Since 2007, age-friendly planning and project grants have been administered through UBCM, with funding from MoH. • Preparations for another round of grants (approx \$500,000) are nearing completion and can soon be announced. 	<ul style="list-style-type: none"> • Decision to be made on timing and form of announcement. Could take place at or during the UBCM convention September 24-28 in Victoria.
Annual Progress Report (Tripartite Committee on First Nations Health)	<ul style="list-style-type: none"> • The BC Tripartite Framework Agreement on First Nation Health Governance commits the Tripartite Committee on First Nations Health to prepare and make public an annual progress report for the Minister of Health (BC), the Minister of Health (Canada), and the First Nations Health Council on the progress of the integration and the improvement of health services for First Nations in BC. 	<ul style="list-style-type: none"> • Ministerial approval of the annual progress report required in early October 2012.

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Assisted Living Registration of Mental Health and Substance Use Residences	<ul style="list-style-type: none"> The Assisted Living Registrar is working toward implementing registration of all public and private pay MHSU residences that meet the criteria for assisted living under the <i>Community Care and Assisted Living Act</i>. 	<ul style="list-style-type: none"> Possible announcement by Minister when registration gets underway (could be fall).
BC Services Card Project Implementation	<ul style="list-style-type: none"> MoH is working CITZ, ICBC, and HIBC on development of BC Services Card project to November 30, 2012; consulting with internal and external stakeholders; MoH responsible for post-implementation program, and re-enrolment of all eligible BC Residents before November 17, 2017. Focus Groups with Health Sector including Health Authorities, professional associations, laboratories and other stakeholders that use the current Health Card and will be using the new BC Services Card. Focus Groups with Patients as Partners to obtain Health Literacy input on all MoH communication materials. Potential delay in November 30 launch date due to increased labour pressures particularly at ICBC. 	<ul style="list-style-type: none"> Minister briefing required within 30 days as there is potential delay in November 30, 2012 launch date.
Cataract Fee Proposal	<ul style="list-style-type: none"> Government pursuing reduction in cataract surgery fees via PMA process. Ad hoc joint review panel to provide majority recommendation by early October. Final decision by Medical Services Commission is highly likely later in the Fall of 2012. 	<ul style="list-style-type: none"> Possible media coverage to supplement past coverage of ophthalmologist earnings. Possible negative reaction from ophthalmologists if government proposal succeeds.
Choice in Supports for Independent Living (CSIL) client living out of country	<ul style="list-style-type: none"> Client has previously received CSIL services through VCH while out of country for 4-5 months per year. Client has now transferred to FHA where they do not allow clients to live out of country and still receive funding. Consistent policy to be developed to set limits to the amount of time a CSIL client can be out of the country 	<ul style="list-style-type: none"> Potential for media attention.
Colorectal Cancer Screening	<ul style="list-style-type: none"> Ministry is working with BCCA/PHSA to implement a province-wide program including the transition from the current guaiac Fecal Occult Blood Test to the fecal immunochemical test. 	<ul style="list-style-type: none"> Communications materials are being prepared. Possible media event/announcement September 2012.

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Dementia Action Plan	<ul style="list-style-type: none"> The Dementia Action Plan is intended to support collaborative action over the next two years by individuals, health professionals, health authorities, and community organizations to achieve quality care and support for people with dementia, from prevention through to end of life. 	<ul style="list-style-type: none"> Dementia Action Plan could be publicly released in the coming weeks.

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Fraser Health Authority (FHA) directive	<ul style="list-style-type: none"> Minister issued directive to FHA Board on June 12, 2012 to take a number of priority measures to improve infection control and congestion within the acute care hospitals in FHA over the next 30, 60, 90 and 150-days. Internal 60 day report on progress due September 10. October 2012 is potential publication timeframe for 90-day results. 150 day progress report due December 5. 	<ul style="list-style-type: none"> Briefing with the Minister to be established. Next steps TBD. Communication materials to be prepared.
Healthy Minds, Healthy Campuses (HMHC) annual provincial summit, September 26-29, 2012 in Victoria:	<ul style="list-style-type: none"> Annual conference of HMHC Community of Practice members attended by students, faculty, campus professionals, administrators, government, researchers and community members. HMHC is a province-wide Community of Practice to promote mental wellness and reduce problematic substance use on campuses of BC's post-secondary institutions. HMHC activities contribute to achieving outcomes identified in <i>Healthy Minds, Healthy People: A Ten-Year Plan to Address Mental Health and Substance Use in British Columbia</i>. 	<ul style="list-style-type: none"> GCPE is working on an event proposal for Minister's consideration to attend part of the summit and announce the government's new \$500K investment to support Healthy Minds, Healthy Campuses – it is expected to be submitted to Minister's Office in early September.

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Issuance of Billing Integrity Program Audit Report on the Specialist Referral Clinic (SRC) and Cambie Surgeries Corporation (CSC)	<ul style="list-style-type: none"> MoH report presented to MSC at May 2012 meeting; further discussion by MSC June 2012; on the agenda for discussion September 2012. Cabinet briefing and public announcement have both taken place. Audit identified that significant extra billing had occurred contrary to the Medicare Protection Act and that the extra billing often would overlap with physician claims of the Medical Service Plan. The President of the above companies, Dr. Brian Day, has launched a Charter challenge of BC's health insurance laws saying people are being unfairly prevented from spending their own money to receive health care services in the private sector. Two pending court cases (AB & ON) on this matter. July 2012, MSC provided Clinics with 30 days' notice to stop extra billing. MSC initiated injunction proceedings on August 17, 2012. s.13 	<ul style="list-style-type: none"> Minister to be briefed and communications material to be prepared in advance of the announcement of date for the court hearing.
Kaslo – Proposed permanent change in ED service hours	<ul style="list-style-type: none"> IHA is proposing to change the service levels of the emergency department at the Victorian Community Health Centre from 24/7 to only weekday service. Proposal developed in response to notice provided by the Kaslo physician group that they can no longer sustain 24/7 coverage effective October 1, 2012 as well as RN staffing changes. 	<ul style="list-style-type: none"> Communications material to be prepared.
Medical Services Plan premium rate increase effective January 1, 2013	<ul style="list-style-type: none"> Full MSP premium rates will increase. There will be no changes to the existing Adjusted Net income levels and all rates except the full premium rate, will remain the same as in 2012. Systems changes underway at HIBC to accommodate rate adjustment. Stakeholder engagement with public and Ministry of Finance. 	<ul style="list-style-type: none"> Communications materials to be prepared for distribution in October 2012.

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s.12		
North-eastern BC Oil and Gas Human Health Risk Assessment	<ul style="list-style-type: none"> News Release June 4 announcing the completion of Phase 1. Phase I report was released to the public. RFP for Phase II posted to BC Bid on June 28, 2012 and closed on BC Bid August 10, 2012. MoH received 6 proponent submissions. Submissions are currently being evaluated. HPB hoping to have a contract in place before the end of October 2012, with work to begin shortly thereafter. Project will be approx \$ 900,000 and will take 18 months. Monitor Stakeholder and Media responses 	<ul style="list-style-type: none"> Communications plan under development for late October announcement of successful proponent.
Options for Laboratory Transformation prepared by Sector Consulting	<ul style="list-style-type: none"> The Ministry procured an independent, comparator study of laboratory service delivery in jurisdictions in Canada and elsewhere, to inform the development of a strategy to improve BC's laboratory service delivery. Consultation with BC's laboratory stakeholders was also required so that comprehensive options could be proposed. This report will be completed in September 2012 and presented to Laboratory Reform Committee on September 27. 	<ul style="list-style-type: none"> Communications strategy to be identified and approved by GCPE.

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Pan-Canadian Pricing Alliance: Procurement of Brand Name Drugs & recommendation to include Generic Drugs	<ul style="list-style-type: none"> CoF Working Group on Health Care Innovation announced July 26, 2012 (Premiers Wall and Ghiz) to continue to accelerate and expand Pan-Canadian procurement for brand name drugs; and identifying 3 to 5 generic drugs for a competitive bidding process to achieve better prices. A national competitive bidding process to be initiated by Fall 2012 to achieve lower prices as soon as possible. s.13 	<ul style="list-style-type: none"> Minister briefing to occur prior to September 2012 FPT Health Ministers' meeting.
Phase 1 of the Provincial Radiologist Peer Review Project	<ul style="list-style-type: none"> The contract with the selected vendor for Phase 1 (proof of concept at VIHA) will be finalized and signed by all parties. This project is an important part of the Cochrane Action Plan and a News Release should be issued. 	<ul style="list-style-type: none"> Development and approval of a News Release.

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Physician Quality Assurance (PQA) – commitment to public report	<ul style="list-style-type: none"> In the fall of 2011, Dr Cochrane submitted a report to MoH entitled <i>Investigation into Medical Imaging, Credentialing and Quality Assurance</i>. An Action Team, , led by the Ministry and including membership from the health authorities and the College of Physicians and Surgeons of BC, was replaced with a PQA Steering Committee in June 2012 and is currently overseeing a series of projects under the umbrella of a Physician Quality Assurance Portfolio. The portfolio includes a provincial protocol for adverse events, as well as initiatives touching on the full cycle of physician performance management including licensure, credentialing, privileging and performance assessment. 	<ul style="list-style-type: none"> The Ministry has committed publicly to report back on the PQA progress in September 2012.
Privacy Commissioner – Lyme Investigations	<ul style="list-style-type: none"> The provincial Privacy Commissioner announced two new investigations on July 30, 2012. One includes reference to PHSA/BCCDC/Government's failure to disclose public health information about Lyme disease. Investigation began in August 2012. 	<ul style="list-style-type: none"> Communications materials to be prepared to respond to any media enquiries.

s.13

Public reporting of paediatric and cancer surgery wait times, and hip fracture fixation rates, on the provincial Surgical Wait Times website	<ul style="list-style-type: none"> The Surgical Wait Time website was expanded in a test environment to publically report paediatric surgical wait times. This expanded capacity also includes adult cancer surgical wait times and hip fracture fixation rates. While some of the available data is positive, there are other areas where service delivery does not meet target benchmarks. Media attention tends to focus on the latter. 	<ul style="list-style-type: none"> Website release date anticipated in early September Media interest / queries could be generated.
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Seek and Treat to Optimally Prevent HIV (STOP HIV) Pilot	<ul style="list-style-type: none"> Pilot ends March 2013. Decision to provincially expand pilot was made on June 22, 2012. Primary partners still awaiting government's decision on provincial expansion. Next opportunity to communicate a decision occurs on September 19, 2012 during the STOP HIV Steering Committee meeting. 	<ul style="list-style-type: none"> Potential communication on government decision to provincially expand the pilot in September.

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